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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,889

01/10/2007

Markus Dillinger

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

RIZK, SAMIR WADIE

ART UNIT

PAPER NUMBER

2112

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,889	Applicant(s) DILLINGER ET AL.	
	Examiner SAM RIZK	Art Unit 2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

- Response to the applicant's amendment dated 12/10/2009
- Claims 1-7 have been Cancelled
- Claims 8-13 have been submitted for examination
- Claims 8-11 and 13 have been rejected
- Claim 12 is objected to

Abstract

1. In view of the Applicant's amended abstract, filed on 12/10/2009, all objections to the abstract have been withdrawn.

Response to Arguments

2. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.
3. The Application cancelled claims 1-7 that have been examined and filed new claims 8-13 which comprises substantially the same limitations / features as in the cancelled claims. The Applicant did not argue or disagreed with the Examiner rejections. The Applicant just stated that the prior art (Nyholm): "does not disclose each of the features recited in new independent claim 8 / 13." see page

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5, lines 35/36. The Examiner does not know which specific limitation, if any, that Nyholm does not teach.

4. Rejections of new claims 8-11 and 13 follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Nyholm US publication no. 2002/0006791 (Hereinafter Nyholm).
6. In regard to claim 8, Nyholm teaches:
- (new) A method of managing reconfigurable terminals within a radio network, the method comprising:
 - supplying the one or more agents to a network element within the radio network, the one or more agents being supplied to the network element via one or more respective agent providers;
(Figure 1, ref. (1) & (2) and sections [0003], [0004] & [0021] in Nyholm)
 - providing one or more agent platforms within the network element, the one or more agent platforms being provided for storing a respective agent, each agent platform allowing the respective agent provider to set up an agent having specific

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access rights, communication between respective agent platforms and agent providers being encrypted;

(Figure 2 and sections [0030] - [0033] in Nyholm)

- receiving, from one or more of the reconfigurable terminals, at the one or more agent platforms, information relating to at least one of fault incidents occurring in the one or more reconfigurable terminals and reconfiguration optimization information of the one or more reconfigurable terminals; and

(Figure 2 and sections [0030] - [0033] in Nyholm)

- processing, by the one or more agents, the information received at the one or more agent platforms in order to produce decision information and provided the decision information to at least one of the respective terminal, the respective agent provider, the network element, an operator of the network, and a manufacturer of the respective terminal.

(Figure 2 and sections [0030] - [0035] in Nyholm)

7. In regard to claim 9, Nyholm teaches:

- (new) The method of claim 8, wherein the network element transfers raw information about operational faults of the respective terminal to a respective agent of the terminal manufacturer and the agent, when requested by the agent provider, supplies decision information formed based on the raw information.

(Figure 2, ref. "malfunction report" and "probing parameters" in Nyholm)

8. In regard to claim 10, Nyholm teaches:

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- (new) The method of claim 9, wherein the decision information contains information about occurring infringements of at least one of a network protocol and a radio standard.

(Figure 2, ref. “rough evaluation of malfunction” & “detailed evaluation of malfunction” in Nyholm)

9. In regard to claim 11, Nyholm teaches:

- (new) The method of claim 8, wherein decisions about reconfiguration optimization are partially relocated by the network element to manufacturer-specific agents, which, using the information made available to them and manufacturer-specific data, accessible only to the device manufacturer, concerning the respective terminal, produce decision information for the network element.

(Sections [0036] – [0038] in Nyholm)

10. Claim 13 is rejected for the same reasons as per claim 8.

Allowable Subject Matter

11. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

The following is an examiner’s statement of reasons for allowance:

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12. The dependent claim 12 of the present application teaches for example:

The method of claim 11, wherein the manufacturer-specific data includes energy consumption of the respective terminal in at least one of specific radio modes, the duration of reconfiguring, and precise characteristics of the respective terminal.

The foregoing limitations are not found in the prior art of record. Particularly, none of the prior arts of record teach nor fairly suggest the emphasized limitation as cited in the dependent claim 12 that comprise:

The method of claim 11, wherein the manufacturer-specific data includes energy consumption of the respective terminal in at least one of specific radio modes, the duration of reconfiguring, and precise characteristics of the respective terminal.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>.

/Sam Rizk/

Primary Examiner, Art Unit 2112